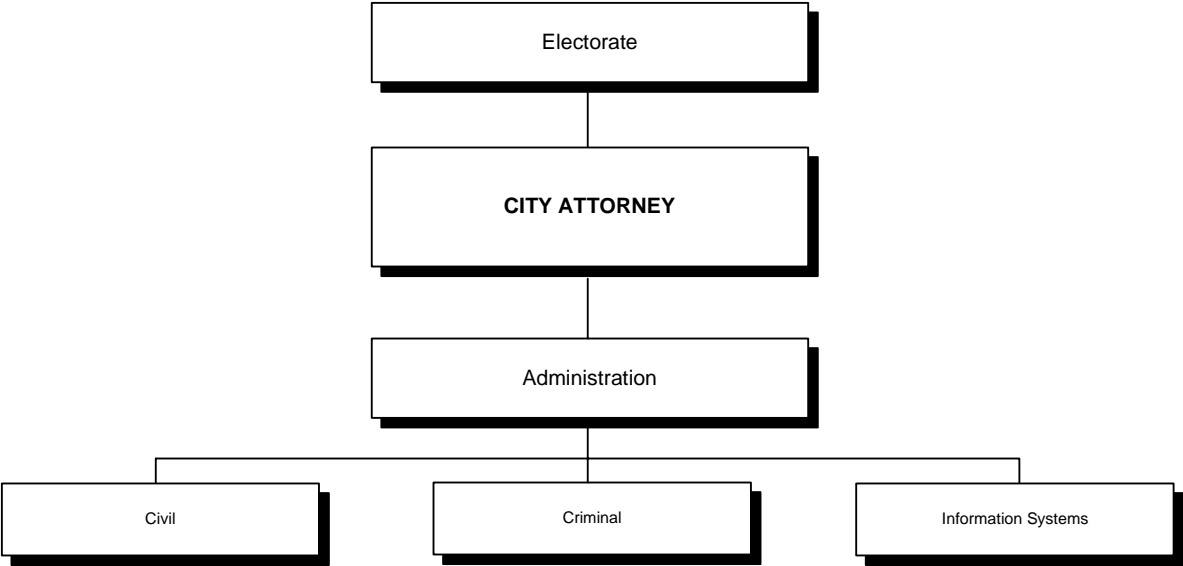


# City Attorney



To serve San Diego as the chief legal advisor and misdemeanor prosecutor. Dedicated to a philosophy of proactive, early intervention lawyering and committed to community outreach, the City Attorney provides guidance and support for elected City officials, departments, and boards and commissions; represents the City before judicial and administrative bodies in civil proceedings; and prosecutes misdemeanor crimes.



# City Attorney

## Department Description

The City Attorney's Office serves San Diego as the chief legal advisor and misdemeanor prosecutor. The City Attorney's Office is divided into four divisions: Administration, Civil, Criminal, and Information Systems. The primary operations of the office occur in the Criminal and Civil Divisions. The City Attorney's Criminal Division prosecutes misdemeanors committed within the City of San Diego. These include violations of state and local laws, child abuse, theft offenses, sex crimes, gang and graffiti crimes, zoning and building code violations, consumer and environmental crimes, quality-of-life crimes and many others. The City Attorney's Civil Division provides legal services to the City of San Diego. Advisory attorneys provide legal guidance to the Mayor, Council, and City Departments. Litigation attorneys defend the City against lawsuits and also pursue litigation when money is owed to the City.

## Milestones Met/Services Provided

In 2001, the City Attorney's Civil and Criminal Division staff provided the citizens of San Diego with quality legal work, focusing on proactive, early intervention strategies with a commitment to community outreach.

Attorneys and investigators in the City Attorney's Civil Enforcement Unit recovered \$792,500 for damaged City property and water bill delinquencies. The civil construction contract litigation group recovered \$750,000 for the City in a case involving disputed charges on a sewer project.

The Civil Division provided a legal team to support formation and operation of the Mayor's Ethics Commission. At the onset of the Mayor's proposal in January 2001, the City Attorney's Office was closely involved by creating the charter documents, drafting

complaint and investigation procedures, and advising at hearings.

In October 2001, City Attorney Casey Gwinn, in partnership with Police Chief David Bejarano, unveiled the concept of a San Diego Family Justice Center. This one-of-a-kind center will centralize under one roof, the San Diego Police Department's and City Attorney's Domestic Violence units. The center will house police detectives, prosecutors, forensic medical personnel, social workers, and victim advocates to meet the needs of domestic violence victims and their children. The goal is to bring San Diego's resources to the victim as opposed to the victim having to seek help throughout the City and County. The proposed center will be located at 707 Broadway Street.

In October 2001, two additional neighborhood prosecutors were added to the City Attorney's Neighborhood Prosecution Unit to work in partnership with the San Diego Police Department and the community to aggressively and creatively combat crimes that impact the quality of life. Currently, five Deputy City Attorneys work in San Diego neighborhoods. They attend community meetings to listen to citizen concerns, and then develop and implement innovative strategies to reduce and prevent quality-of-life crime, such as drug activity, prostitution, and transient crimes.

In 2001, Criminal Division received two significant grants. The Neighborhood Prosecution Unit received a grant of \$150,000 to fund a Neighborhood Prosecutor to work in the downtown area. This is the third grant received from the U.S. Department of Justice for the City Attorney's work in community prosecution. In partnership with the San Diego Police Department, the City also received a \$150,000 grant from the U.S. Department of Justice, Office of Community Oriented Policing Services to add two San Diego Police Officers to the Neighborhood Prosecution Unit.

## Milestones Met/Services Provided (continued)

The City Attorney is a charter member of the Computer and Technology Crime High Tech Response Team (CATCH), the local multi-jurisdictional task force formed to prosecute computer crime. In 2001, the City Attorney's Office was the first to prosecute fraud and theft committed on *eBay*, the popular Internet auction site. The defendant was convicted, ordered to serve a one year jail sentence, and pay restitution to several victims who never received promised merchandise or refunds.

In October 2001, City Councilmember Brian Maienschein and City Attorney Casey Gwinn unveiled an innovative juvenile diversion program designed to allow first time, non-violent juvenile offenders to participate in a binding sentencing hearing that is administered by a jury of their peers. More than 2,000 students have participated in the program.

The City Attorney's Office, in partnership with City Access Television and the San Diego Police Department, produced a documentary on illegal street racing in San Diego entitled "Beyond the Limit: Curbing Street Racing in San Diego." The program explores those who are

involved in illegal street racing, individuals who are affected, and what positive community solutions are being developed to stop this dangerous and illegal activity.

## Future Outlook

The City Attorney's Leadership Team has identified three long-range goals:

Implement the Family Justice Center which will unite personnel from the San Diego Police Department and the City Attorney's Office in one location to provide victim support services, including social workers, medical professionals, children's advocates, and other resources needed to address child abuse and domestic violence.

Expand the Neighborhood Prosecution Initiative by pursuing misdemeanor diversion programs, identifying additional liaison deputies for every community in San Diego, aggressively pursuing grant funding, and implementing a community court.

Continue to provide early review, advice and assistance to City departments in avoiding legal difficulties.

# City Attorney

## Significant Budget Adjustments

City Attorney	Positions	Cost
<b>Personnel Expense Adjustments</b>  Adjustments to reflect the annualization of the Fiscal Year 2002 salary compensation schedule, average salaries, fringe benefits and other personnel expense adjustments.	0.00 \$	847,007
<b>Staffing for Legal Support Services to the Engineering &amp; Capital Projects Department Water &amp; Wastewater Facilities Division (Reimbursable)</b>  Addition of 2.00 Deputy City Attorney, 2.48 administrative staff positions, and related support to provide legal services and assistance at the request of the the Division. Service includes alternative dispute resolutions (mediation, arbitration, and informal efforts), negotiation of contract modifications and change orders litigation, and advice to the Director and senior staff. Positions are funded by the Water & Wastewater Facilities Division.	4.48 \$	424,111
<b>Staffing for Legal Support Services to the Environmental Services Department (Reimbursable)</b>  Addition of 1.00 Deputy City Attorney, 1.58 administrative staff positions, and related support to provide necessary additional legal services and support at the request of the Department. Services include legal support in contract law, contract negotiations, hazardous waste issues, environmental law, and other projects involving environmental issues. Positions are funded by the Environmental Services Department's enterprise funds.	2.58 \$	243,303
<b>Staffing for Legal Support to the Engineering &amp; Capital Projects Department Water &amp; Wastewater Field Engineering Division (Reimbursable)</b>  Addition of 1.00 Deputy City Attorney, 0.83 administrative staff, and related support to provide legal services and support at the request of the division. Services include advice on all day-to-day legal matters of the division including change orders, construction contracts, contractor and subcontractor legal matters, and assistance with pre-mediation and mediation sessions. Positions are funded by the Water & Wastewater Field Engineering Division.	1.83 \$	185,469

## Significant Budget Adjustments (continued)

City Attorney (continued)	Positions	Cost
<b>Budgetary Savings Plan</b>  Reduction in Miscellaneous Contractual Services to provide savings of \$36,804 to the General Fund. Additional savings will be achieved by holding 1.00 Senior Deputy City Attorney and 1.00 Administrative Aide I position vacant for the fiscal year to provide over \$220,000 savings to the General Fund.	0.00 \$	(36,804)
<b>Non-Discretionary</b>  Adjustments to reflect expenses that are determined outside of the department's direct control. Examples of these adjustments include utilities, insurance, and rent.	0.00 \$	(67,424)

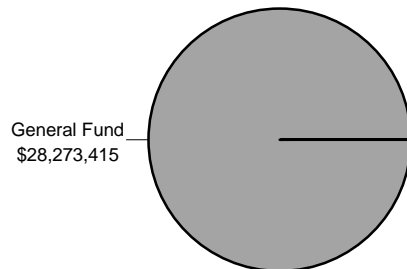
# City Attorney

City Attorney			
	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 PROPOSED
Positions	288.80	313.32	322.21
Personnel Expense	\$ 22,458,658	\$ 24,445,717	\$ 26,071,768
Non-Personnel Expense	<u>2,224,325</u>	<u>2,232,036</u>	<u>2,201,647</u>
TOTAL	\$ 24,682,983	\$ 26,677,753	\$ 28,273,415

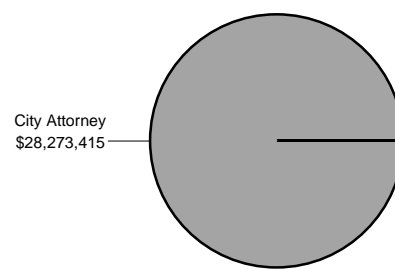
Department Staffing	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 PROPOSED
<b>GENERAL FUND</b>			
City Attorney	<u>288.80</u>	<u>313.32</u>	<u>322.21</u>
<b>Total</b>	<b>288.80</b>	<b>313.32</b>	<b>322.21</b>

Department Expenditures	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 PROPOSED
<b>GENERAL FUND</b>			
City Attorney	\$ 24,682,983	\$ 26,677,753	\$ 28,273,415
<b>Total</b>	<b>\$ 24,682,983</b>	<b>\$ 26,677,753</b>	<b>\$ 28,273,415</b>

### Source of Funding



### Allocation of Funding



## Budget Dollars at Work

\$1,982,240 Recovered damages from construction related claims  
 33,218 Misdemeanor cases prosecuted  
 3,449 Domestic violence cases prosecuted  
 \$1,480,389 Grants received

## Key Performance Measures

	FY 2001 Actual	FY 2002 Budget	FY 2003 Proposed
Average cost per child abuse and domestic violence case tracked <sup>(1)</sup>	\$489	\$496	\$496
Average cost per misdemeanor criminal case tracked	\$175	\$186	\$217
City Attorney civil litigation cost per \$100 of private attorney cost <sup>(2)</sup>	\$39	\$41	\$39

<sup>(1)</sup> This measure was not reported in the Fiscal Year 2002 budget document.

<sup>(2)</sup> Efficiency based on full cost of Trial Unit services compared to average hourly cost on contracted outside attorney services. Full cost of Trial Unit services includes indirect costs such as 16% of Department support costs, 35% of Civil Division costs, and a portion of General Government Services allocation as established by Auditors.



# City Attorney

## Division/Major Program Descriptions

### Administration

The City Attorney and the Executive Assistant City Attorney provide legal guidance and support to the Mayor, City Council, Council committees, City Manager, and City departments. The City Attorney and the Executive Assistant City Attorney lead the office and manage the staff.

### Civil

The Civil Division provides ongoing legal guidance and support to the Mayor, City Council, City Clerk, City Auditor and Comptroller, City departments, Council committees, Planning Commission, Housing Authority, and Redevelopment Agency. The Civil Division includes Employment and Safety Services, Public Works, Real Property, Trial and Public Policy units. Civil Division deputies advise on matters such as managing the City workforce; acquiring, using and regulating City lands; and financing and constructing the City's multi-million dollar public works projects. Staff is dedicated to handling disputes from the early stages through trials and appeals in a proactive, efficient, and effective manner.

### Criminal

The Criminal Division prosecutes misdemeanors committed within the City of San Diego, such as driving under the influence of alcohol or drugs, child abuse and domestic violence, theft offenses, sex crimes, gangs and quality-of-life crimes, zoning and building code violations, and consumer and environmental crimes. Prosecutors in the Screening and Arraignment, Neighborhood Prosecutions, Trial and Appellate Units handle the majority of the cases reviewed each year. Prosecutors are also assigned to three specialized units: Consumer and Environmental Protection, Code Enforcement, and Child Abuse and Domestic Violence. The Criminal Division ensures that people who break the law receive appropriate punishment and rehabilitation.

### Information Systems

The City Attorney's Information Systems team provides technical assistance and user support. The team prepares and monitors the data processing, budget and service agreements, plans and coordinates new system development, and maintains and enhances existing systems. The team also acts as the liaison between the City Attorney's Office, San Diego Data Processing Corporation, other law enforcement agencies, courts, and outside vendors for data processing and telecommunication services.

# Salary Schedule

## GENERAL FUND

### City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2002 Positions</i>	<i>FY 2003 Positions</i>	<i>Salary and Fringe</i>	<i>Total</i>
1105	Administrative Aide I	2.00	2.00	52,636	105,272
1106	Senior Management Analyst	1.00	1.00	82,619	82,619
1132	Assistant Management Analyst	2.00	2.00	59,065	118,130
1147	Principal Legal Assistant	1.00	1.00	86,188	86,188
1218	Associate Management Analyst	2.00	2.00	73,969	147,938
1236	Auto Messenger	1.00	1.00	38,405	38,405
1348	Information Systems Analyst II	1.00	1.00	73,120	73,120
1349	Info Systems Analyst III	1.00	1.00	81,141	81,141
1386	Court Support Clerk I	11.00	12.00	44,685	536,220
1388	Court Support Clerk II	10.00	10.00	46,559	465,590
1401	Information Systems Technician	2.00	2.00	57,164	114,328
1402	Document Input Clerk-Terminal	2.00	2.00	45,011	90,022
1415	Dispute Resolution Officer	1.00	1.00	74,301	74,301
1535	Clerical Assistant II	26.50	23.75	41,622	988,529
1577	Legal Secretary	37.77	39.09	59,966	2,344,069
1596	City Attorney Investigator	21.98	23.89	75,347	1,800,032
1598	Legal Assistant	14.21	15.12	69,630	1,052,811
1648	Payroll Specialist II	1.00	1.00	49,106	49,106
1726	Principal Clerk	1.00	1.00	60,870	60,870
1728	Principal Atty Investigator	1.00	1.00	90,991	90,991
1746	Word Processing Operator	12.74	14.24	42,956	611,693
1776	Public Information Clerk	1.00	1.00	44,744	44,744
1820	Senior Legal Secretary	5.00	6.00	66,025	396,150
1822	Senior Legal Assistant	5.00	5.00	77,599	387,995
1867	Librarian III	1.00	1.00	75,688	75,688
1879	Senior Clerk/Typist	7.00	7.00	50,725	355,075
1885	Senior Atty Investigator	5.00	6.00	82,800	496,800
1917	Supervising Management Analyst	1.00	1.00	90,603	90,603
1924	Investigation Support Manager	1.00	0.00		0
1983	Victim Services Coordinator	3.00	3.00	49,698	149,094
2001	City Attorney	1.00	1.00	206,929	206,929
2106	Assistant City Attorney	5.00	5.00	182,528	912,640
2151	Deputy City Attorney	122.12	126.12	108,039	13,625,875
2185	Senior Legal Intern	1.00	1.00	52,615	52,615
2205	Conf Secretary To City Atty	1.00	1.00	91,115	91,115
2214	Deputy Director	1.00	1.00	140,697	140,697
	Industrial Leave	0.00	0.00		34,373
	<b>Total</b>	<b>313.32</b>	<b>322.21</b>		<b>\$ 26,071,768</b>
<b>CITY ATTORNEY TOTAL</b>		<b>313.32</b>	<b>322.21</b>		<b>\$ 26,071,768</b>

# City Attorney

## Five-Year Expenditure Forecast

	FY 2003 PROPOSED	FY 2004 FORECAST	FY 2005 FORECAST	FY 2006 FORECAST	FY 2007 FORECAST
Positions	322.21	322.21	322.21	322.21	322.21
Personnel Expense	\$ 26,071,768	\$ 26,853,921	\$ 27,659,539	\$ 28,489,325	\$ 29,344,005
Non-Personnel Expense	\$ 2,201,647	2,267,696	2,335,727	2,405,799	2,477,973
TOTAL EXPENDITURES	\$ 28,273,415	\$ 29,121,617	\$ 29,995,266	\$ 30,895,124	\$ 31,821,978

### Fiscal Year 2004 - Fiscal Year 2007

No major projected requirements.